

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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S.B. et al.,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	21 Civ. 9139 (LGS)
	:	
	:	<u>ORDER</u>
NEW YORK CITY DEPARTMENT OF	:	
EDUCATION,	:	
	:	
Defendant.	:	
-----X	:	
	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiffs filed a Complaint on November 8, 2021.

WHEREAS, Plaintiffs requested discovery outside the administrative record (Dkt. No. 15), which Defendant opposed (Dkt. No. 18). It is hereby

ORDERED that Plaintiffs' request for additional discovery is **DENIED** substantially for the reasons stated in Defendant's letter at Docket No. 18. It is further

ORDERED that by **January 17, 2022**, the parties shall return an executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form to the Clerk of Court,¹ if the parties agree to conduct all further proceedings before Judge Netburn, in compliance with Rule 73.1 of the Local Civil Rules for the Southern and Eastern Districts of New York. It is further

ORDERED that by **January 24, 2022**, Plaintiffs shall file a motion for summary judgment with a memorandum of law not to exceed twenty (20) pages. By **February 14, 2022**, Defendant shall file the opposition and any cross-motion for summary judgment, not to exceed

¹ The form is available at https://nysd.uscourts.gov/sites/default/files/practice_documents/kpfSDNYFormConsentingToProceedForAllPurposesBeforeAMagistrateJudge.pdf.

thirty (30) pages. By **February 28, 2022**, Plaintiff shall file a reply and opposition to Defendant's cross-motion for summary judgment if any, not to exceed twenty (20) pages. By **March 14, 2022**, Defendant shall file a reply in support of the cross-motion for summary judgment if any, not to exceed ten (10) pages. Notwithstanding these aforementioned page limits, each party has discretion over how to allocate its respective 40 pages total of briefing across its two briefs, provided neither party exceeds the 40 pages of briefing total. It is further

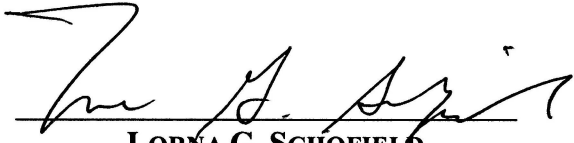
ORDERED that the parties shall Bates-stamp the administrative record (the "Record") such that each page has a unique Bates number. If the record is voluminous, the parties shall provide an electronic courtesy copy on a CD. If the parties believe that the record should be filed under seal, they shall simultaneously file a motion to seal per the Individual Rules. It is further

ORDERED that, in lieu of separate Local Rule 56.1 statements, the parties shall file a joint statement of undisputed facts ("Joint Statement"), with citations to the Bates-stamped Record, **by the time that the first brief is due**. The parties shall indicate any disputed facts clearly in the Joint Statement. It is further

ORDERED that, within two days of the cross-motions being fully briefed, the parties shall email to Chambers a text-searchable copy of the Bates-stamped Record and a Word version of the Joint Statement. Except as provided here, the parties shall follow the Individual Rules on motions, exhibits and courtesy copies.

If the parties consent to Judge Netburn's jurisdiction, they shall seek further instructions from Judge Netburn on delivering electronic copies of the record and the Joint Statement to her Chambers.

Dated: January 3, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE